

§ 266.109 Low risk waste exemption.

(a) *Waiver of DRE standard.* The DRE standard of § 266.104(a) does not apply if the boiler or industrial furnace is operated in conformance with (a)(1) of this section and the owner or operator demonstrates by procedures prescribed in (a)(2) of this section that the burning will not result in unacceptable adverse health effects.

(1) The device shall be operated as follows:

(i) A minimum of 50 percent of fuel fired to the device shall be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Director on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed “primary fuel” for purposes of this section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate shall be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

(ii) Primary fuels and hazardous waste fuels shall have a minimum as-fired heating value of 8,000 Btu/lb;

(iii) The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and

(iv) The device operates in conformance with the carbon monoxide controls provided by § 266.104(b)(1). Devices subject to the exemption provided by this section are not eligible for the alternative carbon monoxide controls provided by § 266.104(c).

(2) Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:

(i) Identify and quantify those nonmetal compounds listed in appendix VIII, part 261 of this chapter that could reasonably be expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;

(ii) Calculate reasonable, worst case emission rates for each constituent identified in paragraph (a)(2)(i) of this section by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of

each constituent fed to the device is emitted.

(iii) For each constituent identified in paragraph (a)(2)(i) of this section, use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.

(A) Dispersion modeling shall be conducted using methods specified in § 266.106(h).

(B) Owners and operators of facilities with more than one on-site stack from a boiler or industrial furnace that is exempt under this section must conduct dispersion modeling of emissions from all stacks exempt under this section to predict ambient levels prescribed by this paragraph.

(iv) Ground level concentrations of constituents predicted under paragraph (a)(2)(iii) of this section must not exceed the following levels:

(A) For the noncarcinogenic compounds listed in appendix IV of this part, the levels established in appendix IV;

(B) For the carcinogenic compounds listed in appendix V of this part, the sum for all constituents of the ratios of the actual ground level concentration to the level established in appendix V cannot exceed 1.0; and

(C) For constituents not listed in appendix IV or V, 0.1 micrograms per cubic meter.

(b) *Waiver of particular matter standard.* The particulate matter standard of § 266.105 does not apply if:

(1) The DRE standard is waived under paragraph (a) of this section; and

(2) The owner or operator complies with the Tier I or adjusted Tier I metals feed rate screening limits provided by § 266.106 (b) or (e).

[56 FR 7208, Feb. 21, 1991; 56 FR 32690, July 17, 1991, as amended at 56 FR 42515, Aug. 27, 1991]

§ 266.110 Waiver of DRE trial burn for boilers.

Boilers that operate under the special requirements of this section, and that do not burn hazardous waste containing (or derived from) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027, are considered to be in conformance with the DRE standard